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U.S. DISTRICT COURT
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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION

Sarah Beth Cain,	)	
	)	**Case No._______________**
Plaintiff,	)	
	)	**COMPLAINT**
v.	)	**JURY DEMANDED**
	)	
Tennessee Technological University	)	
The Director of	)	
The Office of the Dean of Students (in his or her official capacity)	)	
The Vice President of	)	
The Office of Student Affairs (in his of her official capacity)	)	
	)	
Defendant.	)	

COMPLAINT

This is a civil action for declaratory, injunctive and monetary relief for injuries Plaintiff Sarah Beth Cain sustained as a result of the acts and omissions of Tennessee Technological University ("TTU" or the "University") relating to a sexual assault of Plaintiff by another TTU student and the University's deliberately indifferent actions after the rape in response in violation of Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 *et seq.* ("Title IX") and 42 U.S.C § 1983.

1. Plaintiff, Sarah Beth Cain, resides at 500 Dry Valley Rd., Apt. E306, Cookeville, Putnam County, Tennessee 38506, (615) 485-3459.
2. Defendant, Tennessee Technological University, located at 1 Williams L. Jones Blvd., Cookeville, Putnam County, Tennessee 38505, (931) 372-6062.

FACTUAL ASSERTATIONS

3. At all relevant times, Plaintiff was a full-time student enrolled at Tennessee Technological University in Putnam County, Cookeville, TN.
4. At all relevant times, Husain Alenezi ("Respondent") was a student enrolled at Tennessee Technological University in Putnam County, Cookeville, TN.
5. At all relevant times, Marlene Hall ("Hall") was employed as the Title IX Coordinator at Tennessee Technological University
6. On August 26, 2015, Plaintiff was sexually assaulted by Respondent, in her off-campus apartment.
7. On September 30, 2015, Plaintiff filed for an Order of Protection against Respondent, and a copy of this order was sent to Tennessee Technological University.
8. On October 1, 2015, Title IX Coordinator, Hall, contacted Plaintiff via email and requested a meeting so that she could explain the options for filing an administrative complaint against Respondent for sexual misconduct.
9. On October 5, 2015. Plaintiff met with Hall in Hall's office, located inside the University Campus Police building, Foundry Hall.

10. During the meeting on October 5, 2015, Hall informed Plaintiff about Plaintiff's rights to file an administrative complaint.

11. Plaintiff stated that she wanted to attempt to pursue her options in the criminal and civil justice systems before trying to navigate the procedural steps of an administrative complaint. Hall assured Plaintiff that Plaintiff could later choose to file the administrative complaint.

12. On November 11, 2015, Plaintiff contacted Hall to request that the University proceed with an administrative investigation and take disciplinary actions against Respondent.

13. On November 12, 2015, Plaintiff met with Hall in her office in Foundry Hall to recount the details of her rape and file the administrative complaint. During this interview, Hall assured Plaintiff that the University would investigate the claim.

14. Tennessee Technological University did not interview Respondent until March 12 of the following year.

15. Tennessee Technological University did not reveal the findings of their investigation until March 28, 2017.

16. The University acted with deliberate indifference to Plaintiff's complaint by failing to initiate an investigation into the assault.

17. The deliberate indifference and clearly unreasonable response to Plaintiff's claims caused Plaintiff to be vulnerable to further harassment by Respondent and/or other students

18. The University's actions also facilitated a hostile sexual environment, in which Plaintiff did not feel safe going to common areas on campus.

19. The hostile sexual environment, created by the University, caused Plaintiff to feel reluctance about accessing campus resources for fear of retaliation by Respondent.

20. The actions and omissions committed by the University caused Plaintiff to suffer from unnecessary anxiety, which resulted in a drop in Plaintiff's academic performance and subsequent termination of federal financial aid.

21. The University violated its obligations under Title IX by failing to make the University's sexual misconduct policy easily accessible to students.

PRAYER FOR RELIEF

WHEREFORE, plaintiff prays for relief as follows:

(a) Defendant be served with process and answer herein;

(b) An award of damages in an amount to be established at trial, including, without limitation, reimbursement and prepayment for Plaintiff's tuition and related expenses, payment of Plaintiff's expenses incurred as a consequence of the sexual assault; damages for deprivation of equal access to the educational benefits and opportunities provided by TTU; and damages for past, present, and future emotional pain and suffering, ongoing and severe mental anguish, and a loss of past, present and future enjoyment of life;

(c) Injunctive relief requiring TTU to redress its violations of Title IX including: 1) instituting and enforcing a comprehensive sexual harassment policy, including procedures for reporting incidents of sexual harassment; 2) adopting an expanded victim assistance and protection program, that will include a clear plan for helping victims obtain the support available from the TTU Police Department, TTU Counseling Center, TTU Student Services and any other appropriate University Services; 3) establishing a clear set of procedures to assist victims that are suffering from symptoms related to anxiety, depression, PTSD which resulted from their assault, by facilitating communication between victim and TTU Disability Services to obtain any resources and support available to students with disabilities.

(d) For the costs of trying this action;

(e) For a jury to hear this cause of action;

(f) For costs to be taxed to the Defendant;

(g) For such other and further relief as the Court may deem proper; and,

(h) For pre- and post-judgement interest.

(i) Plaintiff respectfully reserves the right to amend this Complaint to conform to the evidence

I hereby certify under penalty of perjury that the above Petition is true to the best of my information, knowledge, and belief.

Respectfully signed this 13th day of September 2017.

Sarah Beth C.

Sarah Beth Cain

Plaintiff

Sarah Beth Cain
500 Dry Valley Rd.
Apt. E306
Cookeville, TN 37027

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